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EXAMINER

NEURAUTER, GEORGE C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/519,221

Applicant(s)

KANOJIA ET AL.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claims 1-18 are pending and have been examined. The Applicant is reminded of the requirement to update the status of any and all copending or related applications incorporated by reference if necessary.

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 17 and 18 are objected to because of the following informalities:
Claims 17 and 18 recite "a corresponding device" then further recite "the corresponding embedded device". The claim should read "a corresponding embedded device".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5-7 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The term "larger" in claims 5-6 and 12-13 is a relative term that renders the claim indefinite. The term "larger" is not defined by the claim, the specification does not

provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

It is not clear as to what the term "larger" means in terms of a threshold of data size that would require the use of the bulk data transfer manager.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Britt et al. [US Patent 5 940 074 A].

Regarding claim 1, Britt discloses a message router system for a server system that communicates with embedded devices over a data network, the router system comprising: a router coupled to a message store; the router transferring messages to the embedded devices on the data network; the router waiting for acknowledgements of the messages from the embedded devices; and the router storing unacknowledged messages addressed to corresponding embedded devices in the message store until the embedded devices can accept the unacknowledged messages. [column 8, line 13- column 9, line 34]

Regarding claim 2, Britt discloses a message router system as recited in Claim 1, further comprising a system manager that tracks states of embedded devices on the data network and whether the embedded devices are able to receive messages.
[column 8, lines 34-42]

Regarding claim 3, Britt discloses a message router system as recited in Claim 2, further comprising a queue manager for facilitating the transfer of messages between the router and a process, such that the queue manager locates and establishes a connection with the router and transfers the messages from the process to the router.
[column 8, lines 34-42]

Regarding claim 4, Britt discloses a message router system as recited in Claim 1, wherein the router retrieves one or more of the unacknowledged messages from the message store when the system manager indicates that an embedded device to which the one or more unacknowledged messages are addressed is able to accept the one or more unacknowledged messages. [column 8, lines 34-42]

Regarding claim 5, Britt discloses a message router system as recited in Claim 1, further comprising a bulk data transfer manager for transferring larger data files between the server system and the embedded devices. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 6, Britt discloses a message router system as recited in Claim 5, wherein larger data files are transferred to the embedded devices by the router sending the embedded devices a message to download a file and a location of the file, the

embedded devices contacting the bulk data transfer manager to obtain the file. [column 8, lines 34-42; column 9, lines 1-28, specifically lines 4-14]

Regarding claim 7, Britt discloses a message router system as recited in Claim 6, wherein the embedded devices directly contact the bulk data transfer manager to obtain the file without sending a message via the router. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 8, Britt discloses a method for routing messages from a server system to embedded devices over a data network, the method comprising: transferring messages to the embedded devices over the data network when the embedded devices are accepting messages; and storing messages addressed to embedded devices until the embedded devices can accept the messages. [column 8, line 13-column 9, line 34]

Regarding claim 9, Britt discloses a method as recited in Claim 8, further comprising tracking states of embedded devices on the data network and whether the embedded devices are able to receive messages. [column 8, lines 34-42]

Regarding claim 10, Britt discloses a method as recited in Claim 9, further comprising queuing messages that are received from a server system prior to being transferred to the embedded devices. [column 8, lines 34-42]

Regarding claim 11, Britt discloses a method as recited in Claim 8, further comprising detecting whether a previously unavailable embedded device is available to receive messages; and retrieving stored messages for the embedded device and transferring the messages to the embedded device. [column 8, lines 34-42]

Regarding claim 12, Britt discloses a method as recited in Claim 8, further comprising transferring larger data files from the server system to the embedded devices. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 13, Britt discloses a method as recited in Claim 12, wherein the step of transferring the larger data file comprises: sending the embedded devices a message to download a file and a location of the file; and the embedded devices contacting a bulk data transfer manager to obtain the file. [column 8, lines 34-42; column 9, lines 1-28, specifically lines 4-14]

Regarding claim 14, Britt discloses a method as recited in Claim 13, further comprising the embedded devices directly contacting the bulk data transfer manager to obtain the file. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 15, Britt discloses the message router system as recited in Claim 1, wherein the messages are control messages directing the embedded devices to download, install, or activate content. [column 8, lines 34-42]

Regarding claim 16, Britt discloses the message router system as recited in Claim 8, wherein the messages are control messages directing the embedded devices to download, install, or activate content. [column 8, lines 34-42]

Regarding claim 17, Britt discloses the message router system as recited in Claim 1, wherein: each of the messages being transferred is associated with a unique identifier; the router determining an address of a corresponding device from the unique identifier associated with a message; the router transferring the message to the address of the corresponding embedded device. [column 6, lines 41-62]

Regarding claim 18, Britt discloses the message router system as recited in Claim 8, wherein: each of the messages being transferred is associated with a unique identifier; the router determining an address of a corresponding device from the unique identifier associated with a message; the router transferring the message to the address of the corresponding embedded device. [column 6, lines 41-62]

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Mon-Fri 9am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn
July 31, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100